

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President

Andrew T. Souza, City Manager
James Sanchez, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Reverend Father Yeghia Hairabedian of the St. Gregory Armenian Church gave the invocation, and President Perea led the Pledge of Allegiance.

PRESENTATION OF THE "CARL HERNANDEZ AWARD" – PRESIDENT PEREA

Read and presented.

APPEARANCE BY LAOTIAN COMMUNITY LEADERS – COUNCILMEMBER XIONG

Appearance made.

PROCLAMATION OF "CRIME VICTIMS RIGHTS WEEK" - COUNCILMEMBER WESTERLUND

Read and presented. At the hour of 8:58 a.m. President Perea left the meeting.

PROCLAMATION OF "WEEK OF THE YOUNG CHILD" – MAYOR AUTRY

Read and presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE SPRING QUARTER (**RECEPTION IMMEDIATELY FOLLOWING-2ND FLOOR FOYER**)

(2-0) Presented to the following employees: Mayor/Council/Manager/Call Center/City Clerk: Bryce Marshall; Airports Department; Airports Department: Charles Braun; City Attorney's Office: Kathryn Phelan; Fire Department: Robert Van Tassel; Fire Department: Debby Remily; Fresno Area Express (Administration): Carlos Duarte; Fresno Area Express (Maintenance Division): Gary Trent; Fresno Area Express (Operations Division): Paul Hagopian; General Services Dept.: Paul Geske; Information Services Department: Patty Chicoine; Parks, Rec. & Community Svcs: John Dickson Jr.; Parks, Rec. & Community Svcs.: Ozzie Naranjo; Personnel Services Department: Sandra Chavez Martin; Planning & Development Dept.: Gary Soldani; Planning & Development Dept.: Cecilia Lopez; Police Department: Eddie Barrios; Police Department: Pam Kobashi; Police Department: Ruben Barrios; Police Department: Judie Houston; Police Department: Virg Galvan; Dept. of Public Utilities (Community Sanitation): Dave Reynolds; Dept. of Public Utilities (Sewer Maintenance): Henry Gomez; Dept. of Public Utilities (Wastewater): Harold Western; Dept. of Public Utilities (Solid Waste Management): Steve Aguero; Dept. of Public Utilities (Water Division): Paul Jackson; Dept of Public Works (Parking Services): John Renfro; Dept. of Public Works (Traffic Engineering): Richard Keck

INVITATION BY PARKS, RECREATION AND COMMUNITY SERVICES (NOT ON AGENDA)

Parks, Recreation and Community Services Director Cooper invited everyone to attend the Mayor's Inaugural Cup baseball game this Saturday, April 28, 2007, from 11:00 A.M. to 4:00 P.M. which would include 23 City, County and media teams and would take place at the Jensen and West southwest regional baseball complex.

APPROVE MINUTES OF APRIL 17, 2007:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of April 17, 2007, approved as submitted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes : None
Absent: Perea

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DAGES: (1) Questioned the status of the railroad crossing repair for the San Joaquin Valley Railroad, stating Peach Avenue was scheduled for completion in March, Maple Avenue was to be completed in April, noting SJVR signed a letter relating to a schedule for the repairs and had not yet begun the process. City Manager Souza stated he would contact SJVR to obtain information on the repairs. (2) Commended Parking Manager Estebrook for his hard work with the downtown parking and the advertising with sandwich signs when the parking was being enforced. At the hour of 9:48 a.m. President Perea returned to the meeting.

COUNCILMEMBER STERLING: (1) Congratulated Acting President Xiong on his appointment to the California Volunteer Commission. (2) Stated District 3 celebrated Earth Day and approximately 300 people gathered for the event and helped clean up alleys and remove graffiti and thanked the numerous groups involved.

COUNCILMEMBER CALHOUN: (1) Expressed concern with Hotel Fresno, stating the current owner was trying to sell the property and questioned if the City could intervene on the sale, advising the same pattern was continuing. City Attorney Sanchez stated after the last sale occurred, conditions were imposed on the new owner; advising the issue was going to trial next month and if the building sold before the trial, the City would move forward at that time to notify the owner of the full status of the matter. Mr. Sanchez stated alternatives would be presented to Council at a later date. (2) Stated two month ago Council took action to approve a plan provided by the Planning and Development Department to provide a faster method of permitting, noting the plan was sent out for comment and he was looking forward to the final report being present to Council in May.

ACTING PRESIDENT XIONG: (1) Stated he had attended the California Pacific Asian Policy Summit in Sacramento and also attended his first California Volunteer Commission meeting last week, noting it was a great opportunity for the community to have a voice in the Commission. (2) Advised of the upcoming event for the 5th Annual Southeast Asian Educational Conference to be held at Roosevelt High School.

PRESIDENT PEREA: (1) Stated another Earth Day event sponsored by Leadership Fresno was scheduled for Sunday, April 29, 2007, at 9:00 a.m. at Eaton Plaza and invited people to attend (2) Congratulated Acting President Xiong on his new appointment to the California Volunteer Commission.

APPROVE AGENDA:

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the AGENDA hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

ADOPT CONSENT CALENDAR:

A. * RESOLUTION NO. 2007-156 - 17TH AMENDMENT TO SALARY RESOLUTION NO. 2006-257 ADDING THE CLASSIFICATION OF PLUMBER – PERSONNEL SERVICES DEPARTMENT

B. * RESOLUTION NO. 2007-157 - AUTHORIZING ACCEPTANCE OF THE 2007 JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM AWARD OF \$13,379 AND EXECUTION OF PROGRAM DOCUMENTS – POLICE DEPARTMENT

C. * APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF FRESNO AND PACIFIC GAS & ELECTRIC COMPANY (PG&E) FOR THE INSTALLATION OF PG&E SMARTMETER™ COMMUNICATION EQUIPMENT ON CITY OWNED STREETLIGHTS - PUBLIC WORKS DEPARTMENT

D. * APPROVE CONSTRUCTION CONTRACT CHANGE ORDER IN THE AMOUNT OF \$260,000 TO GRANITE CONSTRUCTION FOR STORM WATER SYSTEM IMPROVEMENTS ASSOCIATED WITH THE REHABILITATION/RECONSTRUCTION OF VARIOUS TAXIWAYS AT FRESNO YOSEMITE INTERNATIONAL AIRPORT; THE PUBLIC WORKS DIRECTOR AUTHORIZED TO EXECUTE A CONTRACT CHANGE ORDER – AIRPORTS DEPARTMENT

E. RESOLUTION NO. 2007-158 - APPROVING THE FINAL MAP OF TRACT NO. 5312 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PUBLIC UTILITIES DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS (*PROPERTY LOCATED IN DISTRICT 4*) - PLANNING AND DEVELOPMENT DEPT.

F. ADOPTION OF RESOLUTIONS PERTAINING TO FINAL MAPS OF TRACT NOS. 5427 AND 5686 (*PROPERTY LOCATED IN DISTRICT 4*) - PLANNING AND DEVELOPMENT DEPT

1. RESOLUTION NO. 2007-159- APPROVING THE FINAL MAP OF TRACT NO. 5427 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

2. RESOLUTION NO. 2007-160 - APPROVING THE FINAL MAP OF TRACT NO. 5686 AND ACCEPTING DEDICATED PUBLIC USES THEREIN; AUTHORIZE THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR AND PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

H. * APPROVE AGREEMENT WITH LP CONSULTING ENGINEERS, INC., IN THE AMOUNT OF \$94,000 TO DESIGN THE DIESEL EXHAUST SYSTEM IN THE APPARATUS ROOMS OF EXISTING FIRE STATIONS NO.1 THROUGH 10, 12 & 14 WITHIN THE CITY OF FRESNO (FIRE STATIONS NO. 12 & 9 ARE WITHIN DISTRICT 1, STATIONS 2 & 14 ARE WITHIN DISTRICT 2, STATIONS 3, 4 & 7 ARE WITHIN DISTRICT 3, STATIONS 1, 6 & 10 ARE WITHIN DISTRICT 4, STATION NO. 8 IS WITHIN DISTRICT 5, STATION NO. 5 IS WITHIN DISTRICT 7) - PUBLIC WORKS DEPARTMENT

I. APPROVE CONTRACT WITH FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE FUNDS FOR PARKS, RECREATION AND COMMUNITY SERVICES TO CONDUCT AN EXPANDED AFTER SCHOOL RECREATION PILOT PROGRAM RUNNING THROUGH JUNE 13, 2007 - PARKS, RECREATION AND COMMUNITY SERVICES

1. * RESOLUTION NO. 2007-161 - 73RD AMENDMENT TO AAR NO.2006-253 APPROPRIATING \$55,100 FROM THE FRESNO UNIFIED SCHOOL DISTRICT TO THE GENERAL FUND TO EXPAND THE AFTER SCHOOL RECREATION PILOT PROGRAM RUNNING THROUGH JUNE 13, 2007 - PARKS, RECREATION AND COMMUNITY SERVICES (*REQUIRES 5 AFFIRMATIVE VOTES*)

J. * RESOLUTION NO. 2007-162 - 75TH AMENDMENT TO AAR NO. 2006-253, APPROPRIATING \$147,000 IN ADDITIONAL FISCAL YEAR 2004 AND FISCAL YEAR 2005 FUNDING AWARDED TO THE FIRE DEPARTMENT FROM THE HOMELAND SECURITY GRANT ADMINISTERED BY THE STATE OFFICE OF EMERGENCY SERVICES (OES), THROUGH THE COUNTY OF FRESNO, TO PROVIDE FOR TRAINING AND EQUIPMENT – FIRE DEPARTMENT (*REQUIRES 5 AFFIRMATIVE VOTES*)

K. BILL NO. B-39 - (*FOR INTRODUCTION*) – AMENDING SUBSECTION 12-306-N-56 TO THE FRESNO MUNICIPAL CODE RELATING TO THE DEFINITION OF MEDICAL MARIJUANA DISPENSARIES AND COOPERATIVES – PLANNING AND DEVELOPMENT DEPT.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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G. * AWARD A REQUIREMENTS CONTRACT FOR STREET RE-LAMPING TO ELECTRIC MOTOR SHOP IN THE AMOUNT OF \$215,463.60 – PUBLIC WORKS DEPARTMENT

President Perea stated after reading the staff report, he noticed how many street lights were re-lamped on an annual basis and questioned whether the streetlights were replaced with energy-efficient light bulbs with Assistant Public Works Director Kirn stating the light bulbs were as energy-efficient as to still provide the proper lighting needed for public safety.

A motion to approve was acted upon after discussion.

Councilmember Westerlund questioned why the request was being submitted for approval when there were only two months left for the fiscal year 2006-2007 with Mr. Kirn responding. He mentioned on today's agenda was an item adding an additional plumber to the Position Allocation Resolution close to the end of the fiscal year.

City Clerk Klisch stated Consent Item 1F contained two resolutions, one for each Tract Map and clarified Council's intent was to adopt both resolutions.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, award a one-year requirements contract with provisions for two one-year extensions for streetlight re-lamping to Electric Motor Shop of Fresno in the amount of \$215,463, as the lowest responsive bidder, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

(9:00 A.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:

1. APPEARANCE BY ASHOK SETH, FRESNO CAB COMPANY, REGARDING VARIOUS TAXI CAB REQUIREMENTS

Mr. Seth submitted a letter, on file in the City Clerk's Office, requesting Council's consideration of taxicab rate increase due to increases in gasoline prices; placement of map and Braille in the back seat pocket; discussed the placement of the permit and picture in the front seat; smoking in a taxicab; and the hardship of maintenance of the taxicab without a rate increase for over six years. President Perea requested staff provide a written response to the five requests with Councilmember Sterling concurring.

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:

Darrell Hansen (no address given), stated there were several pay phone throughout the City that were inoperable. Brief discussion ensued regarding the ownership of the pay phones.

(9:15 A.M. A) RESOLUTION NO. 2007-163 – INITIATING THE PROCESS TO NAME A TENNIS COURT AT THE ROEDING TENNIS CENTER (SETTING THE PUBLIC HEARING AND PUBLISHING THE PUBLIC NOTICE) - COUNCILMEMBER STERLING

Councilmember Sterling gave a brief review of the report, stating the original process for the naming of the tennis court did not meet the requirements of the Fresno Municipal Code and during the winter the PR&CS removed the sign of Mr. Fenton and would now like to initiate the right process to properly name the tennis court.

A motion to approve was acted upon after discussion.

Councilmember Calhoun questioned how this process was done improperly with City Attorney Sanchez stating there was no formal City action taken and the sign was put up informally by the tennis club; advising once staff was informed took down the sign, and Councilmember Sterling was currently initiating the process properly.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-163 hereby adopted and setting the hearing for May 15, 2007, at 10:00 a.m., by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea

Noes : None
Absent: None

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(9:15 A.M. B) RESOLUTION NO. 2007-164 - APPOINTING A JOINT FRESNO CITY AND COUNTY COMMITTEE FOR THE PURPOSE OF ESTABLISHING A LITTLE HOOVER COMMISSION FOR EFFICIENCY IN GOVERNMENT. - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated minor changes were made to the resolution, and if approved by Council, would bring the resolution before the County Board of Supervisors, and upon their approval, a nominating committee would be chosen to select the commission.

A motion to approve was acted upon after discussion.

Acting President Xiong stated he had a few reservations regarding the establishment of the Commission's scope of work and thanked Councilmember Calhoun for taking the time to answer his questions. Councilmember Duncan stressed the importance of the adoption of the above resolution and move forward to the County in order to be prepared to address significant financial issues coming in the near future, noting the importance of consolidation of services. **(3-0)** Councilmember Westerlund stated he would like to see success in the consolidation efforts regarding the Sheriff's Department and Police Department prior to launching the establishment of the Commission, stating good faith steps had been made and noted issues had been addressed such as the homeless.

City Manager Souza requested an amendment be made to Section 8 of the resolution to reflect the first meeting of the Commission be amended to June, 2008, instead of August, 2008, in order to have adequate time to place possible City Charter amendments on the November ballot, with Councilmember Calhoun concurring. President Perea stated the timing was right to move forward and spoke in support.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-163 hereby adopted, as amended, to change Section 8 to reflect the date changed from August, 2008 to June, 2008, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Xiong, Perea
Noes : Dages, Westerlund
Absent: None

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(9:15 A.M.C) DISCUSSION AND DIRECTION REGARDING PROPOSED INCREASE IN COMPENSATION FOR CITY ATTORNEY – PRESIDENT PEREA

President Perea commended the City Attorney Office and City Attorney Sanchez for the hard work in representing the City of Fresno and recommended approval of a 4% salary increase, with Councilmember Dages concurring.

On motion of President Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the recommendation of a salary increase of 4% to City Attorney Sanchez for a new annual salary of \$170,564.00 hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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The City Council recessed at 10:29 a.m. and convened in joint session with the Redevelopment Agency.

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APPROVE AGENCY MINUTES OF APRIL 17, 2007

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of April 17, 2007, approved as submitted.

(9:30 A.M. A) DIRECTION TO STAFF TO LOOK INTO PURCHASING OF LAND, SINGLE ROOM OCCUPANCY MOTELS/HOTELS, APARTMENTS, OR OTHER BUILDINGS, WHICH COULD BE USED TO PROVIDE EMERGENCY SHELTER, SUPPORTIVE AND/OR TRANSITIONAL HOUSING FOR THE HOMELESS (COUNCIL AND AGENCY ACTION) – COUNCILMEMBER STERLING

Chief of Staff Barfield gave a brief overview of the staff report, stating timing was very important to find funding in the current fiscal year to possibly purchase land or property for the transitional housing the homeless population. Councilmember Sterling stated Council had begun the process by installing two portable restrooms and trash containers near a homeless encampment, adding in addition to this step, she would request departments look at their budgets for extra funding, stating there was money in Sacramento from initiatives and propositions; stressing the need to be prepared when the time came to move forward.

Speaking to the issue were: David Wells, P.O. Box 1733, recommended employing the homeless by fixing and repairing items people discard that are in good condition, stating he had seen similar items in thrift stores; and Ignacio Garibay, 2533 N. Knoll Avenue, who spoke in support of assisting the homeless.

Councilmember Westerlund requested confirmation this was a joint Redevelopment Agency and Council action and the importance of the need for joint participation with the County of Fresno, State, Federal and non-profit organizations. Councilmember Sterling noting there were also properties within the City that could be renovated and possibly return to Council May 8th with recommendations. Councilmember Westerlund stressed the importance of getting the County involved due to the County receiving funding from the State to provide mental health services and transitional housing.

A motion to approve was acted upon after discussion.

Councilmember Duncan stated this direction provided an opportunity of finding funding sources necessary for the City and County to develop a community strategy, noting there would be funding through the State and Federal government; advising and the City would be ready to move forward.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to look into the purchasing of all land, single-room occupancy, motels, hotels, apartments or other buildings which could be used to provide emergency shelter, supportive and/or transitional housing for the homeless and to engage any other agencies or information that was necessary to make the project a success, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

The joint bodies adjourned their meeting at 10:45 a.m. and the City Council reconvened in regular session.

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10:00 A.M. HEARING TO CONSIDER REZONE APPLICATION NO. R-06-60, AND ENVIRONMENTAL FINDINGS, FILED BY CLAUDE SAIZ, JR., PERTAINING TO APPROXIMATELY .1 ACRE OF PROPERTY LOCATED ON THE SOUTH SIDE OF E. THOMAS AVENUE BETWEEN N. THESTA AND N. FRESNO STREETS (PROPERTY LOCATED IN DISTRICT 3) – PLANNING & DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-06-60, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-40 -ORDINANCE NO. 2007-39 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE C-5 (GENERAL COMMERCIAL) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Singh advised the staff report as submitted was complete and there was no new information to add. Councilmember Sterling thanked Mr. Saiz for the good work completed in District 3.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Westerlund requested an e-mail be provided outlining the cost for smaller rezones and all of the fees involved in an infill project.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-40 adopted as Ordinance No. 2007-39, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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10:10 A.M. HEARING TO CONSIDER REZONE APPLICATION NO. R-06-68, AND ENVIRONMENTAL FINDINGS, FILED BY CITY OF FRESNO, PERTAINING TO APPROXIMATELY 2,400 SQUARE FEET OF PROPERTY LOCATED ON THE EAST SIDE OF N. ECHO AVENUE BETWEEN E. DIVISADERO STREET AND E. NEVADA AVENUE (**PROPERTY LOCATED IN DISTRICT 3**) – PLANNING & DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-06-68/S-06-385/V-06-32, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-41 - ORDINANCE NO. 2007-40 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE R-4(HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Marple advised the staff report as submitted was complete and there was no new information to add. Councilmember Sterling thanked staff for their hard work.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-41 adopted as Ordinance No. 2007-40, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes : None
Absent: None

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10:15 A.M. HEARING TO CONSIDER VARIANCE APPLICATION NO. V-06-03, FILED BY EAST BAY TIRE COMPANY, PERTAINING TO A 9.91 ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF FREEWAY 99 JUST NORTH OF FREEWAY 99 AND EAST NORTH AVENUE INTERCHANGE(**PROPERTY LOCATED IN DISTRICT 3**)- PLANNING AND DEVELOPMENT DEPARTMENT

A. RESOLUTION - DENYING THE VARIANCE APPLICATION(PLANNING COMMISSION RECOMMENDATION)

B. CONSIDER AND ADOPT THE DRAFT NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. V-06-03, DATED FEBRUARY 1, 2007, IF COUNCIL TAKES ACTION IN THE AFFIRMATIVE APPROVING VARIANCE APPLICATION NO. V-06-03

President Perea announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Rodriguez gave an extensive overview of the staff report; stating the applicant was requesting the placement of a 100-foot free-standing sign; reviewed the history of the sign ordinance and policies in the 2025 General Plan. Mr. Rodriguez stated staff's recommendation was to deny the application due to no findings under the variance application. He reviewed the four variance findings; stating if approved, it could start a cycle for other individuals to apply for sign ordinances; stated the subject site was visible from three streets, North Avenue, a collector on Orange Avenue and some visibility from Highway 99.

(4-0) Joe Pahonick, applicant and owner of East Bay Tire Company, reviewed the background of his business, stated his company had outgrowth the current site, and his business would employ 44 employees for a retail and re-cap business. He stated the site lacked visibility due to a nearby overpass and stressed the importance of good signage. Mr. Pahonick stated he addressed the visibility problem with the Redevelopment Agency and Planning and Development Department before they committed to the site, noting he was lead to believe that if he applied for a sign variance and there was no opposition from the Roosevelt Plan, the Highway Beautification Committee or CalTrans the variance could be obtained. He noted there was an alternative for the sign which was to build the building as close as possible to the Highway and to integrate a huge sign into the design of the buildings, stating it was much more expensive; advising he did what the City staff had requested and if the sign was not approved would have to move his business elsewhere.

Steve Geil, Economic Development Corporation, 2463 E. Soquel, stated if the variance was not going to be approved, the City should have denied it at the start. He stated the applicant agreed they would mitigate all the problems. Mr. Geil stressed signage was very critical to a business as well as location, noting the business was not visible from Highway 99, and in order for this business to succeed, it was critical for the placement of a sign. He added the applicant had complied with the City's requests and in turn, the City's recommendation was to deny the application.

Ellington Jordan, 2226 N. Carol, stated the business and sign would create more jobs and would allow the youth in the community to have quality jobs.

Carl Motschiedler, appearing on behalf of East Bay Tire, reviewed and clarified items on the staff report, provided a PowerPoint, stating the topography surroundings were bad and reviewed the problem with overhead obstructions, the railroad over-crossing and overpass near the area block the business site. He stressed the importance of being able to see the business.

Dennis Woods, 6235 Ascota Drive, appeared by video (inaudible). Mr. Motschiedler stated Mr. Woods was in support of approving the Variance Application.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Sterling reviewed the history of the project, stating because of the applicant's due diligence and cleaning up of a blighted area would provide economic benefits to the area including a number of job opportunities; discussed her prior concerns, advising the Planning and Development Department did discuss another alternative which was not provided to Council for consideration, and requested staff provide her with that information.

A motion to overturn the denial of the Planning Commission's recommendation of the variance was acted upon after discussion. City Attorney Sanchez stated there needed to be specific findings Council had to make as identified by staff, noting the findings identified was an issue associated with the grade of the property and visual impairment due to the off-ramp/on-ramp adjacent to the site. Councilmember Sterling requested the attorney for the applicant provide staff with the description of the concerns regarding the variance to the City Attorney's Office.

Councilmember Westerlund stressed the appropriate findings needed to be made, questioning page 6, subsection A of Section 1 of the staff report regarding special circumstances; noting 8.9% unemployment in the City was a special circumstance and stressed that signage was very important to a business; advising the on-ramp/off-ramp was not well engineered, and the distance of the site from the highway and the railroad crossing were enough facts sufficient to make a finding for special circumstances. Councilmember Westerlund stated the sign ordinance for this particular area needed to be revamped and revitalized, and the importance of Highway 99 providing a thoroughfare for people traveling on Highway 99. He spoke in support of providing signage that would attract people to the City and thanked East Bay Tire for continuing to move forward, advising the sign would be a positive addition to Highway 99.

Mr. Sanchez clarified the special physical circumstances needed to be unique to the property, noting there had been such testimony today. Councilmember Calhoun stated he had to leave to teach a class and noted, for the record, he would not support the motion. At the hour of 11:57 a.m. Councilmember Calhoun left the meeting.

(5-0) Councilmember Duncan thanked East Bay Tire Co. for their investment to the community, spoke in support of the variance and concurred with Councilmember Westerlund's request to address the current sign ordinance, adding it needed to be addressed past Highway 99. Councilmember Dages stressed the importance of being a business friendly community and commended East Bay Tire Co. for their continued efforts.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, **RESOLVED**, overturn the denial of the Planning Commission's recommendation to deny Variance Application No. V-06-03, approving the proposed Negative Declaration, dated February 1, 2007, for Environmental Assessment No. V-06-03, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	None
Absent:	None

10:45 A.M. HEARING TO CONSIDER REZONE APPLICATION NO. R-06-066, AND ENVIRONMENTAL FINDINGS, FILED BY DONALD W. SIMS, PERTAINING TO APPROXIMATELY .13 ACRE OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF S. SNOW AND E. OLEANDER AVENUES, NORTH OF E. KEARNEY BOULEVARD AND WEST OF “A” STREET (611 E. OLEANDER AVE) (*PROPERTY LOCATED IN DISTRICT 3*) – PLANNING & DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-06-066, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL NO. B-42 - ORDINANCE NO. 2007- 41 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE C-5(GENERAL COMMERCIAL) ZONE DISTRICT TO THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE DISTRICT

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Fabino introduced Danielle Theisen, a newly hired Planner in the Planning and Development Department, who advised the staff report as submitted was complete and there was no new information to add.

Donald Sims, applicant, expressed concern with being subjected to the infill guidelines due to the type of homes he builds exceeds the guidelines and elaborated. Mr. Sims requested Council approve the Rezone Application and omit the infill guidelines.

Councilmember Sterling encouraged Council look at the project on “B” and San Joaquin, adding this was a premier project and stressed the project was not in the realm of the restrictions of the staff report.

A motion to approve the Rezone Application and remove the infill guidelines was acted upon after discussion.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Brief discussion ensued by Councilmembers Duncan and Westerlund regarding the infill guidelines and wood siding versus stucco with Supervising Planner Rodriguez stating the guidelines were not approved by Council and was adopted at staff level. Councilmember Westerlund and President Perea requested additional information be provided regarding infill guidelines.

Acting President Xiong questioned the timing of the infill guidelines with Mr. Sims stating there was a wide variety of different styled homes in the area and wanted to provide the community with quality affordable homes. Acting President Xiong expressed concern as to whether there would be a delay if the guidelines were removed with Mr. Rodriguez responding..

On motion of Councilmember Sterling, seconded by President Perea, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-42 adopted as Ordinance No. 2007-41, as amended to exclude the Residential Infill Design Guidelines, by the following vote:

Ayes :	Dages, Duncan, Sterling, Westerlund, Perea
Noes :	Xiong
Absent:	Calhoun

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LUNCH - 12:15 P.M. – 2:00 P.M. Councilmember Calhoun arrived shortly thereafter.

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(10:50 A.M. A) * AUTHORIZE PLANNING AND DEVELOPMENT DIRECTOR TO ENTER INTO A \$700,000 PROFESSIONAL SERVICES AGREEMENT WITH CALTHORPE ASSOCIATES TO PROVIDE URBAN DESIGN, DESIGN GUIDELINE ELEMENTS, AND CONSULTING TEAM MANAGEMENT INCLUDING TRANSPORTATION, ECONOMIC DEVELOPMENT, CIVIL ENGINEERING, AND ENVIRONMENTAL CONSULTING FOR DEVELOPING THE CITY’S SOUTHEAST GROWTH AREA (SEGA) COMMUNITY/SPECIFIC PLAN - PLANNING & DEVELOPMENT DEPARTMENT

Interim Planning and Development Director Bergthold gave a brief overview of the staff report, advising Calthorpe Associates provided the products the City desired by designing smart growth, compact development, new urbanism, walkable environmental transit and oriented development for the Southeast Growth Area which would be one of the critical growth areas for the City for the next 20 years and beyond. Mr. Bergthold reviewed a short summary of three events in the next two years to include an education on smart growth and new urbanism; review the alternatives; and would return to the City Council with a draft specific plan.

Councilmember Westerlund spoke in support of the project, stating he had joined the Urban Land Institute and had seen numerous development systems and cycles that other communities had, advising this opportunity was a chance to do projects in a new way in Southeast Fresno.

A motion to approve was acted upon after discussion.

Councilmember Dages thanked staff for their hard work and noted Calthorpe Associates had a wonderful reputation.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the Planning and Development Director hereby authorized to enter into a \$700,000 Professional Services Agreement with Calthorpe Associates to provide urban design, design guideline elements, and consulting team management including transportation, economic development, civil engineering, and environmental consulting for development the City's Southeast Growth Area (SEGA) Community Specific Plan, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes :	Xiong
Absent:	None

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(10:50 A.M. B) APPROVE RESPONSES TO THE 2006-2007 GRAND JURY REPORT- CITY MANAGER'S OFFICE

Deputy City Manager Zieba reviewed the staff report, noting the Grand Jury reviewed two studies which included Fresno County Gang Activity and Police Auditor and approached the process differently this year by requesting each Councilmember to respond, advising the City also needed to submit an approved response as a legislative body.

Councilmember Dages questioned if only a portion of the study could be approved, noting he was not in support of the study relating to the Police Auditor with City Attorney Sanchez responding.

A motion to approve the study relating to the Fresno County Gang Activity was acted upon after discussion.

Councilmember Dages questioned why the report stated the City Council *may* respond with Ms. Zieba stating the Penal Code did not require each individual Councilmember to respond and the City, as an elected body, was required to respond, and as a Strong Mayor Form of Government, the Mayor may send in a separate response. Mr. Sanchez noted the Grand Jury did have the authority to call each Councilmember individually to get opinions on matters. City Manager Souza stated there had been discussion that the City Council and the administration would not agree on all the findings, noting if the responses were amended by the City Council, the Mayor would submit his responses under separate cover.

Councilmember Calhoun expressed concern with the Grand Jury requesting a response by each individual Councilmember informally, noting there was no indication the written responses were optional; stating he misunderstood the whole process. He advised if he would have known the issue was being submitted to Council for approval, he would have only responded today. Mr. Sanchez explained two options Council could have acted upon. Discussion continued regarding the process and the request for individual responses.

Councilmember Calhoun questioned if he did not approve a portion of the response for the Fresno County Gang Activity, namely response #103 relating to "the major gang prevention efforts to be school-based, focused on grades four through eight in neighborhoods where there was significant gang activity," with Mr. Sanchez stating when Council voted on the above motion, his vote would have to register not in support. Councilmember Calhoun read an e-mail sent on March 13, 2007, from Executive Analyst Mendoza on the process of responding to the Grand Jury.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, approve the Grant Jury Final Report No. 1 for the 2006-2007 fiscal year relating to the Saving Future Generations; Fresno County Gang Activity, by the following vote:

Ayes :	Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes :	Calhoun
Absent:	None

(6-0) A motion to disapprove the City's response to the Police Auditor issue was acted upon after discussion.

Mr. Sanchez stated the administrative position and the Council response needed to be submitted to the Grand Jury, which would create a record that the Council took legislative action, considered the staff recommendations and disapproved of them, stating the administration needed to respond in that Council did not support the administration's position regarding the Police Auditor.

Councilmember Westerlund stated there were good recommendations in the response to the Grand Jury regarding the Police Auditor, advised of a process to respond regarding certain policies, noting the response to Findings R301 could be changed from "agrees" to "disagrees". He advised Council could object to some of the findings for the record rather than disapproving the entire response.

Councilmember Calhoun submitted and read into the record, his statement in opposition of the Office of the Police Auditor being established in Fresno, on file in the City Clerk's Office. He added the Police Department handled situations in an efficient way.

Extensive discussion ensued regarding disagreement of a portion of the response compared to not approving in its entirety, with Mr. Sanchez stating there were two options the Council could take which were deny the entire response or disagree partially and identify the portions the Council disagreed upon. Councilmember Westerlund recommended voting on the response as a whole with the amendment that the City disagrees with R301 and questioned if Council could vote separately on each findings with Mr. Sanchez responding.

Acting President Xiong stated Council answered the process in good faith, noting he was in support of the above motion and expressed concern with the process being piece-mealed; stating he submitted his response and was now being requested to approve the administration's responses.

Councilmember Westerlund stressed the important for Council to respond as a legislative body collectively, noting the record could be supplemented with each Councilmember's own view. President Perea stated he agreed with some of the findings but disagreed with the Finding R301. Councilmember Dages stated he did not want to amend the motion due to not agreeing with several findings and recommendations, noting he was opposition of the entire report.

Mr. Sanchez clarified the above motion was a total rejection of both the findings and the recommendations that came from the Grand Jury as well as staff's responses. President Perea stated he would support the motion on the floor primarily because of the finding and the response for Item R301, stating for the record there were findings in the report he did support. Councilmember Westerlund stated, for the record, he disagreed with the findings in R301, but did agree with other recommendations; stressing the importance of the Council needing to respond to the Grand Jury.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the findings and recommendation of the Grant Jury Final Report pertaining to the Police Auditor, Assuring Transparency for the 2006-2007 fiscal year hereby disapproved, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Xiong, Perea
Noes :	Sterling, Westerlund
Absent:	None

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(11:00 A.M.#1) OVERRIDE OF MAYORAL VETO PERTAINING TO ADOPTION OF RESOLUTION NO. 2007-116 (AS AMENDED) REGARDING THE 443RD AMENDMENT TO MFS FOR THE CITYWIDE REGIONAL STREET IMPACT FEE AND NEW GROWTH AREA MAJOR STREET IMPACT FEE – COUNCILMEMBER DUNCAN

Councilmember Duncan stated in order to take action on the 11:00 a.m. #2 item Council needed to take legislative action on the Mayor's veto of the above listed item. He noted the original proposal from staff was defeated in an override.

A motion of Councilmember Duncan, seconded by Councilmember Dages, to override the mayoral veto of Council action of March 27, 2007, adopting Resolution No. 2007-116 as amended to adopt the year one increase and staff directed to study the year two and three proposals and return with a model to include a fee on public facilities and recommendation in time to consider and implement the recommendation prior to September 1, 2007, to include the nexus finding that were set forth in the study failed adoption, by the following vote:

Ayes :	Westerlund
Noes :	Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Absent:	None

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(11:00A.M.#2) HEARING TO CONSIDER APPROVAL OF RESOLUTION ADOPTING THE 443RD AMENDMENT TO THE MFS RESOLUTION 80-420, ACCEPTANCE AND ADOPTION OF FINAL DRAFT REPORT FRESNO MAJOR STREET IMPACT FEE PROGRAM NEXUS STUDY AND ADOPTION OF FINDING OF CONFORMITY WITH THE MASTER ENVIRONMENTAL IMPACT REPORT 10130 FOR THE CITY'S 2025 GENERAL PLAN

A. RESOLUTION NO. 2007-165 - ADOPTING FINDING OF CONFORMITY PURSUANT TO EA NO. PW 06-06-27; ADOPTION OF FINAL DRAFT FRESNO MAJOR STREET IMPACT FEE PROGRAM NEXUS STUDY, MARCH 15, 2007; ADOPTION OF FINDINGS PURSUANT TO MITIGATION FEE ACT FOR ADOPTION OF CITYWIDE REGIONAL STREET IMPACT FEE AND NEW GROWTH AREA MAJOR STREET IMPACT FEE.

B. * RESOLUTION NO. 2007-166 - 443RD AMENDMENT TO THE MFS RESOLUTION 80-420 TO ADOPT CITYWIDE REGIONAL STREET IMPACT FEE AND NEW GROWTH AREA MAJOR STREET IMPACT FEE

President Perea announced the time had arrived to consider the issue and opened the hearing.

Speaking to the issue were: Joe Guadliardo, 923 Van Ness #200, who requested Council approve staff recommendation because it will provide fee relief for affordable housing projects which would be forth coming in the near future; Christopher Hall, River Park Place East, on behalf of the Central California Development Council, resubmitted material and a letter previously submitted on March 27, 2007, on file in the City Clerk's Office.

City Attorney Sanchez reiterated a legal objection made previously, for the record, with the representative of Jeff Reid and his firm in relation to development impact fees, stating he was a former City Manager for the City of Fresno who, as the City Manager, was involved in the sharing of confidential information and was a key decision maker in issues being discussed today.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Dages expressed concern with the 2% administration fee and questioned and when the fees would become effective and were the projects currently in for evaluation receive the fee with Interim Planning and Development Director Bergthold responding.

A motion to approve was acted upon after discussion.

Councilmember Westerlund felt the issue would be challenged in Court, there would be an injunction, and the City would have to start the process again, stating he voted for the one-year fee increase that would allow for an interim ordinance change to increase rates. He stated he had two objections on voting for the three-year program and when this was discussed on March 27th, the program needed to be strengthened and the legal foundation for the nexus study needed to be stronger. Councilmember Westerlund questioned a confidential memo received from the City Attorney's Office outlining certain weaknesses and questioned if anything had changed since then with Mr. Sanchez responding. Councilmember Westerlund noted he wanted to raise fees, but at the present time, issues had not been addressed that could have been addressed in the intervening four weeks, stressing the fee increase needed to pass legal issues.

Councilmember Duncan stated the resolution needed to be adopted because it was critical to the City as well as businesses, stating this was not a quick decision and the increase was for the betterment of the community with Councilmember Calhoun concurring. Councilmember Sterling spoke in support of the fee increase because it involved affordable housing reimbursements. President Perea spoke in support of the one-year alternative because he believed it would provide an opportunity to make the plan even stronger in the event there was a legal challenge. He questioned the high priority of in-fill housing and expressed concern with the cost and how the City was going to pay for it with Mr. Bergthold stating it was staff's intent to address all the issues that were raised in the stakeholder meetings in the form of policies, noting staff had acted in good faith in addressing the issues. Mr. Bergthold stated staff would return by July 1, 2007, with the implementing policies in the form of an ordinance and/or resolution in order to implement the fee. President Perea stated he felt the one-year alternative plan was stronger, noting he did not think it was the only viable plan, and the action today was tied into the implementation of the policies in regard to in-fill housing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution Nos. 2007-165 and 2007-166, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong, Perea
Noes : Westerlund
Absent: None

(2:00 P.M. #2) CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) TITLE: PG&E V. CITY OF FRESNO

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) TITLE: CITY OF FRESNO V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, ET AL.SUPERIOR COURT CASE NO. 07CECG01148

C. CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B) TITLE: KAREN BOQUIST V. CITY OF FRESNO

The City Council met in closed session in Room 2125 at the hour of 3:30 p.m. to consider the above matter and adjourned thereafter at 3:34 p.m.

City Attorney Sanchez stated the lawsuit filed in the existing litigation case of City of Fresno v. Board of Trustees of the California Stat University was going to be served on the defendants.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 5:01 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the _____ day of _____, 2007.

Henry T. Perea, Council President

ATTEST: Cindy Bruer, Deputy City Clerk

